

Adopted Amendments  
Official Code of Cobb County  
Chapters 2, 54, 83, 86, 106, 118 and 134  
Public Hearing Dates  
July 10, 2007  
July 24, 2007  
Dirty Copy

Cobb County Community Development  
191 Lawrence Street  
Marietta, GA 30060  
[www.cobbcounty.org](http://www.cobbcounty.org)

### ARTICLE III. CODE ENFORCEMENT

Sec. 2-101. Code enforcement division created; purpose.

It is hereby declared by the board of commissioners that the efficient enforcement of this Code and the county zoning and planning ordinances and development standards is best served through cross-utilization of county personnel for purposes of inspecting and enforcing certain codes and ordinances of the county. The county finds that the formation of a code enforcement division serves the economic interest of the county by maximum use of personnel.

(Ord. of 3-27-90; Code 1977, § 3-9.5-1; Ord. of 1-22-02)

Sec. 2-102. Scope of duties.

Employees of the code enforcement division may:

(1) Inspection. Subject to constitutional limitations, enter or inspect any building, land, structure or premises in the county for the purpose of inspection of the building, structure, land, premises and all utility connections associated therewith for the purpose of ensuring compliance with the provisions of all codes and ordinances of the county; provided, however, that:

a. Efforts shall be made to conduct inspections during normal business hours, if practicable, or unless, in the discretion of the code enforcement officer, an emergency is deemed to exist.

b. All code enforcement division personnel shall present themselves, if necessary, to gain entrance or access to the property, at the front door or entrance in order to identify themselves prior to accessing the premises. The code enforcement division personnel shall present official identification upon reasonable request. If code enforcement division personnel are unable to identify themselves prior to accessing the premises, they shall leave notification to the property owner after completing the inspection.

(2) Enforcement.

a. Upon ascertaining,.....

### Article V. Fire Protection Sprinkler System Requirements.

#### Section 54-91. Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Apartment means a building containing three or more dwelling units with independent cooking and bathroom facilities.

Approved Sprinkler System means any sprinkler system that is designed, installed, and tested according to NFPA 13, 13R, or 13D standards.

Dormitory means a building or space in a building in which group sleeping accommodations are provided for more than 16 persons who are not members of the same family in one room or a series of closely associated rooms under joint occupancy and single management, with or without meals, but without individual cooking facilities.;

Fire Protection Sprinkler System means an integrated system designed in accordance with fire protection engineering standards. The installation includes one or more automatic water supplies, and the system is usually activated by heat from a fire and discharges water over the fire area.

Hotel means a building or group of buildings, under the same management, in which there are sleeping accommodations for more than 16 persons that are primarily used by transients for lodging, with or without meals.

Occupancy means the purpose for which a building or portion thereof is used or intended to be used.

Substantial renovation means any construction project involving exits or internal features of such building or structure costing more than 50 fifty percent of the building's or structure's assessed value (according to county tax records) at the time of such renovation.

Section 54-92. Powers and duties of fire marshal, delegation of authority.

- (a) The fire marshal is charged with the duty and responsibility for enforcement of this article.
- (b) Any authority, power or duty vested in the fire marshal by any provision of this article may be exercised, discharged or performed by any deputy, assistant or other designated individual acting in the fire marshal's name and by his delegated authority.
- (c) The fire marshal may, in his discretion, promulgate such rules and regulations as he deems necessary to effectuate the provisions of this article.
- (d) The fire marshal may prescribe any forms required for the administration of this article.

(e) In the event of any conflict between this code and the State Minimum Fire Safety Standards as adopted by the State of Georgia, the more stringent code shall apply.

Section 54-93. Fire protection sprinkler systems requirements.

(a) ~~Fire protection sprinkler system~~ Except as otherwise provided, supervised fire protection sprinkler systems shall be required for all new hotels and dormitories as described in this subsection and shall be required for existing hotels and dormitories as described in ~~this article~~ Sec. 54-94. NFPA 13R sprinkler systems shall be allowed in structures up to and including four stories in height. All buildings over four stories in height shall be protected by a NFPA 13 sprinkler system.

(b) Except as otherwise provided, supervised fire protection sprinkler systems shall be required for all new apartment buildings two stories or more in height. NFPA 13R sprinkler systems shall be allowed in structures up to and including four stories in height. All buildings over four stories in height shall be protected by a NFPA 13 sprinkler system. All balconies and storage closets accessed from the balcony shall be protected by the fire protection sprinkler system.

(c) Exception: Fire protection sprinkler systems are not required for new single story hotels, dormitories and apartment buildings with exit doors leading directly outside from each dwelling unit.

(d) Any existing hotels, dormitories, and apartment buildings that undergo a substantial renovation or a change in the classification of occupancy shall meet the requirements of this code.

Section 54-94. Fire protection sprinkler system requirements for hotels and dormitories.....

ARTICLE II. WEED CONTROL

Sec 83-9 Weed Control.

It is found and declared that uncontrolled weed growth on properties within unincorporated Cobb County is unhealthy and undesirable in that it provides

harborage for rodents and insects, lowers property values, and constitutes a public nuisance.....

Sec. 83-12 Prohibited.

It shall be unlawful for the owner of any property as defined in this section to permit weeds to obtain a height exceeding ~~twenty one (21)~~ twelve (12) inches on at least ten (10) percent of the size of the property tract or thirty five (35) percent of the pervious surface whichever is greater unless exempted as described in this section.

Sec. 83-13. Notice to Remove and Hearing.....

Sec. 86-6. Damage to property; graffiti prohibited.

(a) Definition. For the purposes of this section, these terms are defined as follows:

(1) Graffiti. ~~Any writing, drawing or other mark made upon any surface of any public or private property for any purpose that is made without the expressed permission of the owner of that property.~~ Any inscriptions, words, figures, paintings, or other defacements that are written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface of real property or improvements thereon without prior authorization of the owner or occupant of the property by means of any aerosol paint container, broad-tipped marker, gum label, paint stick, graffiti stick, etching equipment, brush, or other device capable of scarring or leaving a visible mark on any surface.

(2) Emergency situation. An occurrence involving immediate or potential danger from weather, fire or other natural or man-made causes.

(b) A person violates this subsection when he intentionally damages property owned by another, including the application of graffiti, and the damage is under \$500.00.

(c) In addition to any penalty provided for in § 86-1:

(1) If the person is convicted for application of graffiti, he shall reimburse the owner of the property for the cost of removing the graffiti;

(2) A person convicted of this offense shall at a minimum be required to perform 40 hours of community service; and

(3) The convicted person shall pay a fee of \$200.00 to reimburse the county for supervision during his community service.

(d) It shall be unlawful for any person having a legal or equitable interest in a parcel of real property to permit graffiti to remain on a structure located thereon for a continuous period of more than 72 hours, after receiving written notice from the county served either personally or by certified mail. A person so served may request the county, at its expense, and subject to appropriate waivers, to

come onto the subject property and remove the graffiti. If the person having legal or equitable interest in the subject real property refuses to remove the graffiti or is a nonresident or is unknown or unreachable after a diligent effort, the county may proceed in accordance with subsection (e) of this section.

(e) Penalty; Removal of graffiti by order of the court; Costs

(1) Penalty. If a person having a legal or equitable interest in a parcel of real property containing graffiti refuses to remove or have the graffiti removed in accordance with subsection (d) of this section, after receipt of notice, this violation shall be punishable in accordance with Section 1-10 of the Official Code of Cobb County.

(2) Removal by order of the court. If the person having legal or equitable interest in the subject real property refuses to remove the graffiti or is a nonresident or is unknown or unreachable after a diligent effort, the county may, in addition to any other penalty or remedy allowed by law, proceed in a court of competent jurisdiction and in accordance with the appropriate rules of civil procedure, to obtain a court order which directs the county to enter upon the subject property and remove the graffiti.

(3) Cost of Removal. The court, in its order, may also specify that the property owner may be liable for the cost incurred in the removal of the graffiti.

~~(d)~~ (f) This section shall not apply to:

(1) Any public safety personnel, or members of the sheriff's office or other governmental agencies who are involved in the execution of their official duties.

(2) Any governmental or private employee involved in responding to an emergency situation.

~~(e) — Removal of graffiti:~~

~~(1) — Upon receiving notification and confirming that graffiti exists on private property, the county may notify the property owner of the existence of the graffiti and request the property owner to remove/cover the graffiti at his/her own cost.~~

~~(2) — Should the property owner so request, and subject to appropriate waivers, the county, in its discretion, may elect to remove/cover the graffiti at no cost to the property owner.~~

(Ord. of 6-27-00; Ord. of 1-24-06)

Sec. 106-154. Delinquency.

If the assessment is not paid when due, the assessment shall be collected in the same manner as delinquent ad valorem taxes and shall be subject to the same interest and penalties. The assessment shall constitute a lien against the property and may be recorded on the records of the clerk of the superior county of the county.....

## ARTICLE V. PEDESTRIAN LIGHTING DISTRICTS

### DIVISION 1. GENERALLY

#### Sec. 106-55. Purpose.

The board of commissioners hereby finds that the addition of pedestrian lighting can enhance pedestrian movement after dark in commercial and institutional areas where restaurants, shopping, entertainment and other like venues are located. Therefore, the board of commissioners further finds it is in the best interest of the citizens of the county to provide for a procedure whereby property owners can elect to establish a pedestrian lighting district in existing commercial and institutional areas for the purposes of illuminating sidewalks, trails or other pathways for the convenience and safety of pedestrians. The procedures herein set forth provide basic guidelines for the establishment of said pedestrian lighting districts. These guidelines are subject to amendment and/or clarification from time to time and as deemed necessary by the board of commissioners.

#### Sec. 106-56. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Board means the county board of commissioners.

Director means the director of the department of transportation or his duly appointed or assigned authorized representative.

Lot means any single tract of land which falls within any of the zoning classifications as defined by the zoning regulations set forth in chapter 134.

Department means the Department of Transportation.

Pedestrian Lighting District means a district created by the Board of Commissioners either upon petition or of their own initiative for the purpose of providing illumination along sidewalks, or trails, or other pathways designed for pedestrian traffic and located within county rights of way.

#### Sec. 106-57. Conflicting provisions.

If any provision of this article is in conflict with any state or federal law, or with any rule, regulation or order of any state or federal agency having jurisdiction of the subject matter of this article, it is hereby deemed to be the intention of the Board that the state or federal law or rule, regulation or order, as the case may be, shall prevail so that the remaining portion of this article shall be deemed to be of full force and effect.

Sec. 106-58. Exceptions of terms of article.

The Board may grant exceptions to the literal terms of this article where special conditions or hardships exist.

Sec. 106-59. Right of appeal.

Any person or agency dissatisfied with any decision or action of the Department shall have the right to appeal such decision to the Board until the petition is considered by the Board and the Board renders a decision.

Sec. 106-60. Authority to contract with public utilities.

The Board may contract with public utilities for the purpose of carrying out the terms of this article.

DIVISION 2. PEDESTRIAN LIGHTING DISTRICTS

Sec. 106-61. Lighting cost declared a service.

The Board does hereby declare that the cost and service for creation of pedestrian light districts or pedestrian lighting hereafter created shall be a service and not a tax, as authorized by Ga. Const. art. IX, § IV, ¶ II.



Sec. 106-62. Creation of district--Petition by lot owners.

(a) In unincorporated areas of the county that have a non-residential zoning classification and high levels of pedestrian traffic occurs or is expected to occur, a lot owner may present a request for the creation of a pedestrian light district to the Director. Upon receipt of the request, the Department shall determine the appropriate boundaries for a pedestrian lighting district which will serve the property(ies) presenting the request and neighboring lot owners. The Department shall then prepare a plat showing this proposed pedestrian lighting district, and a petition for the creation of the proposed pedestrian lighting district shall then be circulated among the lot owners in the proposed district. That petition shall provide space for the lot owners in the proposed district to sign along with an attestation, showing whether it is their preference that the proposed district be created. Once a petition has been returned to the Department, there shall be no changes in the preferences recorded thereon, and the petition shall clearly state the same. If 75 percent of the lot owners in the proposed district sign the petition approving the creation of the pedestrian lighting district, notices shall be posted in the proposed district stating that:

"Notice: Cobb DOT has received a petition for the creation of a pedestrian lighting district. A public hearing is not required unless requested in writing by (date). For information call (telephone number)."

If such hearing is requested, the person requesting that hearing shall be notified of the date and time of the hearing, and a legal advertisement announcing the public hearing shall be published once in the official legal organ of the county at least ten days before conducting such public hearing. After the conclusion of any such hearing, the Board shall determine whether or not to create the proposed pedestrian lighting district. Safety and economic factors shall be the prime consideration in making such determination. If there is no request for a hearing or if 100 percent of the lot owners have signed the petition, the pedestrian lighting district shall be created, upon approval of the Board. The Department will take no action on petitions with less than 75 percent of the lot owners' approval.

(b) The petition for creation of the proposed pedestrian lighting district must be returned to the Department within 90 days after it is obtained from the department; however, the Director may, in his discretion, for good cause shown, extend the time for the return of the petition an additional 30 days, for a total of 120 days, when a request for such extension is made to the Department before the expiration of the original 90 days. Where the initial petition is mailed by the Department to the lot owner requesting the street light district, an additional three days shall be added to the 90 days to allow time for mailing. If the completed petition is returned to the Department by mail, to be timely, the envelope must be postmarked indicating that it was mailed on or before the date due. In those cases where the due date falls on a weekend or legal holiday, the due date shall be the end of the next business day. Envelopes postmarked after the due date shall not be considered.

Sec. 106-63. Lighting shall be supplemental.

Pedestrian lighting shall only be installed to supplement street lights in areas where the roadways are illuminated. Pedestrian lighting cannot be used to take the place of proper roadway illumination by street lights. Pedestrian lighting shall when possible be oriented over sidewalks, trails or other pathways designed for pedestrian traffic and shall be located within county public rights-of-way.

Sec. 106-64. Same--Under special conditions.

In areas where special conditions, including but not limited to safety, security, land topography, economic and other factors may be involved, the Board may create special pedestrian lighting districts and provide for special pedestrian lights under such terms and conditions as may be determined by the Board, any other provisions of this article to the contrary notwithstanding; provided, however, that in such instances, a public hearing shall be held by the Board after advertisement in the official organ of the county one time at least ten days before conducting such public hearing.

Sec. 106-65. Responsibility for costs; retirement of existing contracts.

(a) For purposes of this section, the term "lot" is hereby defined as a lot or parcel of land which is developed and served by a utility provider which will bill and collect for the street light service on behalf of the county.

(b) The cost of providing and maintaining pedestrian light service in pedestrian light districts created hereunder shall be borne by the lots and lot residents within the pedestrian light districts in the county who are billed for utility services provided to the lots by utility providers who, by agreement with the county, will bill for street light service. The charge therefore shall be determined by the Department and approved by the Board and shall be posted and open for public inspection in the offices of the Department and the clerk of the Board. The initial charge for each proposed pedestrian lighting district created by petition shall also be included on the petitions circulated through the proposed district. In the event of excessive vandalism to pedestrian lights within a district which results in the county being billed for repairs, the county may recoup those costs by adding a pro rata share of those bills to the charge.

Sec. 106-66. Payment date; delinquencies.

The due date for the payment of the services and sums provided in this article shall be the same date of each month as the utilities are due to the utility provider which bills for lighting service on behalf of the county, and subject to the same penalties for late payment and for failure to pay. Any utility service provided by the utility provider may be discontinued for late payment or nonpayment.

Sec. 106-67. Responsibility for collection of moneys.

The billing, accounting, collecting and receiving of the moneys provided for in this article shall be performed by the county water system or other utility provider which will, by agreement with the county, perform those functions on behalf of the county.

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Sec. 106-68. Installation and operation standards adopted; exceptions.

In order to ensure adequate illumination of public rights-of-way and to promote safety and security, the American National Standard Practice for Roadway Lighting of the Illuminating Engineering Society, as approved by the American National Standards Institute (1983), as from time to time amended, is hereby adopted as the standard for the installation and operation of lighting in the unincorporated areas of the county, with the following exceptions:

(1) The minimum average horizontal illumination level in Lux shall be 10 for lighting fixtures installed within the public rights-of-way to be operated for the purpose of sidewalk, trail and pathway illumination. The uniformity of illumination shall be such that the point of lowest illumination shall have at least one-third of the average horizontal Lux required illumination level.

(2) All fixtures used for the illumination of sidewalks, trails, and pathways shall have a minimum mounting height of 15 feet. Fixtures shall meet utility grade standards and be installed and maintained by the power company providing power in the area.

(3) Any party requesting permission to install or operate lighting fixtures within public rights-of-way shall furnish plans and specifications to the Director for approval showing how the proposed lighting meets the standards, and no lighting shall be installed or operated without this approval. Should the Director disapprove the request to install or operate lighting fixtures within any public right-of-way, he shall communicate the disapproval in writing to the party requesting approval. The written communication shall include the specific reasons for disapproval. Any disapproval of a light or lighting system by the Director may be appealed to the Board. If any party desires to appeal an adverse decision by the Director, a notice of appeal shall be filed with the Director within 30 days from the date following the written notice of disapproval. It shall be the responsibility of the Director to transmit forthwith to the board all papers and associated documents constituting the record upon which the action appealed from was taken, and to ensure that the appeal is promptly placed upon the agenda of the Board for its determination. The board may reverse or affirm, wholly or partly, or may modify, the order, requirement, decision or determination appealed from.

There will not be any changes to the actual text of this portion of the code. Speed zones are incorporated by reference and are not included in the county code; rather they are on file with the County Clerk. The proposed speed zones that will be considered are shown after Sec. 118-103

Sec. 118-102. Speed zones.

(a) Generally.

(1) The speed zones set forth in the schedules incorporated by reference into this section are established based on an engineering and traffic investigation as prescribed by law. The county board of commissioners reserves the right to amend or repeal the terms of this section by use of resolution.

(2) All off-system county roads not listed in the schedules incorporated by reference into this section which are located outside an urban or residential district shall be posted at 30 miles per hour. All off-system county roads not listed in the schedules incorporated into this section by reference that are located within an urban or residential district shall be posted at 25 miles per hour.

(3) Signs shall be erected by the county department of transportation.

(b) Use of radar.

(1) Zones established. The speed zones set out in the schedule incorporated into this section by reference are hereby established based on an engineering and traffic investigation as prescribed by law. The latest adopted schedules shall supersede all other lists and schedules of speed limits and speed zones previously adopted by the county board of commissioners pursuant to subsection 118-101(d). The county board of commissioners reserves the right to amend or repeal the terms of this section by use of resolution. Any changes to this section will require further review by the state department of transportation and the department of public safety.

(2) On-system.

a. See the latest state speed zone ordinance for the county as effected and issued by the state department of transportation and the state department of public safety. Such state speed zone order is adopted by reference thereto for those section of state routes in the county and outside of any municipality. The state speed zone ordinance is on file in the office of the county clerk.

b. Signs shall be erected by the state department of transportation.

(3) Off-system.

a. See the latest revision of the county radar and speed zone ordinance as issued by the county department of transportation and state department of public safety.

b. Signs shall be erected by the county department of transportation. (Ord. of 4-9-91; Ord. of 7-14-92; Ord. of 5-24-94; Mo. of 1-23-96; Res. of 2-25-97; Code 1977, § 3-24-37.1; Ord. of 4-30-98; Ord. of 6-8-99; Ord. of 3-13-01) Sec. 118-103. Speed while driving past men working.

The maximum rate of speed shall be 15 miles per hour when approaching or driving past men working in the street or roadway who are county employees, public utility employees, or those granted permission by the county; provided, however, that such workmen have erected a sign reading: "Slow--Men Working" and such sign is in accordance with the specifications of the traffic engineer.

(Ord. of 7-27-76, § 39; Code 1977, § 3-24-39(a))

Sec. 118-104. School crossing speed zones.

No person shall drive a vehicle in excess of 25 miles per hour on any street where flashing yellow traffic beacons, standard school or school crossing signs, or 25 miles per hour speed limit signs are installed and operating, thereby designating that area as a school crossing speed zone. The reduced speed limit shall be in effect only on days and hours when the school is in operation and the flashing yellow traffic beacon is operating. It shall be the duty of the traffic engineer to erect such signs or beacons at those places designated pursuant to this section or any other law or ordinance as a school crossing speed zone.

(Ord. of 7-27-76, § 40; Code 1977, § 3-24-40)

Secs. 118-105--118-115. Reserved.

The following streets are currently incorporated by reference and will be slightly altered:

DIST	QUAD	STREET	CURRENT SPEED	PROPOSED SPEED	REASON
1	NW	HAMILTON ROAD FROM KENNESAW DUE WEST ROAD TO PAUL SAMUEL ROAD	35 MPH	30 MPH	TIGHT CURVES; INCREASED DEVELOPMENT & TRAFFIC
1	NW	NEW SALEM ROAD FROM BURNT HICKORY	40 MPH	35 MPH	RESTRICTED SIGHT DISTANCE AT SEVERAL LOCATIONS ALONG

		ROAD TO STILESBORO ROAD			THIS ROADWAY
1	NW	OLD 41 HIGHWAY FROM 0.16 MILES NORTH OF HAMES ROAD (MARIETTA CITY LIMITS) TO 0.28 MILES SOUTH OF BARRETT PARKWAY (KENNESAW CITY LIMITS)	40 MPH	35 MPH	TO MATCH THE CURRENT REDUCTION IN SPEED LIMIT ON STILESBORO ROAD THROUGH KENNESAW MOUNTAIN NATIONAL BATTLEFIELD PARK
1	NW	OLD 41 HIGHWAY (NORTH COBB HIGH SCHOOL) FROM 1050 FEET NORTH OF BLUE SPRINGS ROAD TO 220 FEET SOUTH OF FOWLER ROAD	25 MPH	25 MPH	EXTEND SCHOOL ZONE DUE TO THE EXPANSION OF SCHOOL PROPERTY
1	NW	OLD STILESBORO ROAD (BULLARD ELEMENTARY SCHOOL & McCLURE MIDDLE SCHOOL) FROM 0.03 MILES NORTH OF STILESBORO ROAD TO 0.32 MILES NORTH OF	25 MPH	25 MPH	ADD NEW SCHOOL, McCLURE MIDDLE, TO SCHOOL ZONE

		STILESBO ROAD			
2	SE	OAKDALE ROAD FROM WRIGHT STREET TO WEST ATLANTA ROAD	35 MPH	30 MPH	RECLASSIFICATION OF THIS PORTION OF OAKDALE ROAD AS A LOCAL STREET
4	SW	SOUTH GORDON ROAD (RIVERSIDE ELEMENTARY SCHOOL & RIVERSIDE PRIMARY SCHOOL) FROM 125 FEET WEST OF CARRIAGE DRIVE TO 90 FEET EAST OF KEITH AVENUE	25 MPH	25 MPH	EXTEND SCHOOL ZONE TO ENCOMPASS NEW RIVERSIDE PRIMARY SCHOOL

The following streets are not currently incorporated by reference and will be added to the list incorporated by reference:

DIST	QUAD	STREET	CURRENT SPEED	PROPOSED SPEED	REASON
1	NW	KINGHORE DRIVE FROM CUL-DE- SAC TO CUL- DE-SAC	25	25	NEW STREET NOT IN RADAR ORDINANCE
1	SW	MOSS STONE LANE FROM WEST SANDTOWN ROAD TO CUL- DE-SAC	25	25	NEW STREET NOT IN RADAR ORDINANCE
1	NW	OWENS LANDING DRIVE FROM JIM	25	25	NOT IN ORDINANCE

		OWENS LANE TO CUL-DE-SAC			
1	NW	ROSAPENNA LANE FROM TAYSIDE CROSSING TO CUL-DE-SAC	25	25	NEW STREET NOT IN RADAR ORDINANCE
1	NW	TAYSIDE CROSSING FROM STANLEY ROAD TO CUL- DE-SAC	25	25	NEW STREET NOT IN RADAR ORDINANCE
1	NW	WINDFLOWER DRIVE FROM CUL-DE- SAC TO CUL- DE-SAC	25	25	NEW STREET NOT IN RADAR ORDINANCE
1	SW	MAPLE SPRINGS COURT FROM WEST SANDTOWN ROAD TO CUL- DE-SAC	25	25	NEW STREET NOT IN RADAR ORDINANCE
2	NE	HERITAGE GLEN DRIVE FROM ROSWELL ROAD TO CUL- DE-SAC	25	25	NEW STREET NOT IN RADAR ORDINANCE
2	SE	TYNEMOORE TRACE FROM TYNEMOORE WALK TO WEST LANE DRIVE	25	25	NEW STREET NOT IN RADAR ORDINANCE
4	SE	CLAY DRIVE FROM ATLANTA ROAD TO WALTHALL AVENUE	25	25	NOT IN ORDINANCE
4	SW	SANTEE DRIVE FROM BROOKWOOD	25	25	NEW STREET NOT IN RADAR ORDINANCE



		DRIVE TO CUL-DE-SAC			
4	SW	SAGE RIDGE DRIVE FROM FRIENDSHIP CHURCH ROAD TO CUL-DE-SAC	25	25	NEW STREET NOT IN RADAR ORDINANCE
4	SE	VININGS LAKE VIEW FROM CUL-DE-SAC TO CUL-DE-SAC	25	25	NEW STREET NOT IN RADAR ORDINANCE
4	SE	VININGS VINTAGE CIRCLE FROM VININGS VINTAGE DRIVE TO VININGS VINTAGE DRIVE	25	25	NEW STREET NOT IN RADAR ORDINANCE
4	SE	VININGS VINTAGE DRIVE FROM IVEY ROAD TO VININGS VINTAGE CIRCLE	25	25	NEW STREET NOT IN RADAR ORDINANCE

Sec. 134-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:.....

Accessory uses means uses subordinate to the principal use or building on a lot and serving a purpose customarily incidental to the use of the principal building, provided any such use is built with or after the construction of the principal

building. Such uses include garbage pads, heating and air conditioning units, jacuzzis, tennis courts, swimming pools (private), playhouses, playgrounds and the like.

Adult means any person over the age of 18 years old or legally emancipated in the State of Georgia.

Agricultural produce stand means a structure not greater than 1,000 square feet for the purpose of seasonal sales of products grown or produced on the premises on which it is located.....

DUA means dwelling units per acre.

Dwelling unit. A dwelling unit consists of one or more rooms which are arranged, designed or used as living quarters for one family or ~~four~~ two or fewer unrelated ~~persons only~~ adults and their children and/or grandchildren. A dwelling unit may also be occupied by a family and up to two persons who are not family members. (1) A dwelling unit shall have an interior bathroom and complete kitchen facilities, permanently installed. (2) A dwelling unit shall have at least 50 390 square feet of total building square footage (as determined and maintained in the records of the Cobb County Tax Assessor) per each adult occupant. (3) No more than one vehicle per 390 square feet of total building square footage may be parked regularly overnight at or within the right of way adjacent to a dwelling unit. "Regularly" means a majority of nights in any twenty-one day period. Exceptions to subparagraphs (2) and (3) may be considered as part of a land use permit processed in accordance with Section 134-36. ~~sleeping space per occupant, excluding bathrooms, complete kitchen facilities, closets, halls, storage areas, utility areas, unfinished basements and garages.~~

Executive golf course means a tract of land not less than 65 acres in size dedicated for playing an 18-hole game of golf, which is open to the general public or for private club use. The par shall not be less than 58 from the men's tees as governed by the United States Golf Association. Further, the golf course shall not measure less than 4,000 yards from the men's tees as governed by the United States Golf Association.

Family means one or more persons related by blood, legal adoption, or marriage occupying a dwelling where such persons are all related to each other within the fourth degree, as defined in O.C.G.A. 53-2-1, which includes parents, children, grandparents, grandchildren, brothers and sisters. State of Georgia authorized foster children of a family member shall also be deemed a member of the family for this purpose. ~~and living as a single housekeeping unit, as distinguished from persons occupying a boardinghouse, roominghouse or hotel.~~

Group home means a dwelling shared by four or fewer persons, excluding resident staff, who live together as a single housekeeping unit and in a long term, family-like.....

#### DIVISION 4. REZONING OR LAND USE PERMIT APPLICATIONS

Sec. 134-121. Generally.

(a) Prerequisites for processing; contents. Prior to processing of any application for rezoning or a land use permit, the applicant shall be required to file documentation and follow certain procedures as set forth in this section. The applicant shall be required to file an application with the zoning division containing the following:.....

Sec. 134-128. Appeal of decisions on land use and special land use permits. Any person, persons or entities jointly or severally aggrieved by any decision by the board of commissioners on land use or a special land use permit application may take an appeal to the superior court of the county. The quasijudicial appeal shall be limited to the proceedings and record before the board of commissioners. Any appeal must be filed within 30 days of the decision of the board of commissioners, and, upon failure to file the appeal within 30 days, the decision of the board of commissioners shall be final. For the purpose of this section, the appeal time shall run from the day the particular vote or action is taken.

#### DIVISION 5. PROPERTY MAINTENANCE

Sec. 134-129. Hazardous Trees.

Dead trees shall not be allowed to exist or to be maintained on any premises which are hazardous to persons on adjacent property or to adjacent property. A finding by a registered forester or certified arborist (as contracted by a person on adjacent property) shall constitute prima facie evidence that a tree is in danger

of falling upon adjacent lots or public streets due to the death of the tree. In the event that the tree is found to be dangerous by the registered forester or certified arborist, the property owner shall be responsible for 50 percent of the cost of such registered forester or certified arborist.

Sec. 134-130. Exterior Stairways, Decks, Porches and Balconies.

Exterior stairways, decks, porches and balconies, and all appurtenances attached thereto, of buildings shall be maintained so that they are structurally sound, in good repair with proper anchorage and capable of supporting the imposed loads.

Sec. 134-131. Windows.

Windows of buildings shall be fully supplied and maintained with glass window panes or with a substitute approved by the designated Cobb County Building Official, which are without open cracks or holes. Screens, if provided, shall be securely fastened to the window.

Sec. 134-132. Exterior Doors and Frames.

Exterior doors of buildings shall be maintained so that they fit reasonably well within their frames so as to substantially prevent rain and wind from entering a building. Exterior door jambs, stops, headers and moldings shall be securely attached to the structure and maintained in good condition without splitting or deterioration. Additionally, exterior doors shall be provided with proper hardware and maintained in proper working condition.

Sec. 134-133. Gutters and Shutters.

Gutters and shutters and all appurtenances attached thereto, of buildings shall be maintained so that they are structurally sound, in good repair with proper anchorage and attachment.

(Ord. of 12-26-72; Ord. of 12-11-90, § 3-28-8.12; Ord. of 1-11-94)  
Secs. 134-~~129~~--134-160. Reserved.

Sec. 134-203.2. RSL non supportive residential units.

The regulations for the RSL non supportive residential units, in addition to all section 134-203 regulations are as follows:.....

- (10) Special exception uses. (Not applicable)
- (11) Location criteria, design criteria and use limitations.....

r. No RSL non supportive residential units development may be located within an existing subdivision, unless being proposed as an assemblage.

~~s. — Any condominium projects developed under the RSL non-supportive residential units shall be subject to the Georgia Condominium Act, as may be amended from time to time.~~

†. s. Maximum building height of two stories.

‡. t. A 30-foot perimeter building setback must be provided to all adjacent residentially zoned properties. This perimeter setback may include required buffers. A 20-foot setback shall be required adjacent to any public roadway. There shall be a minimum setback of 15 feet between buildings. Minimum setbacks may be increased by the board of commissioners based on existing conditions such as tract size, topographic conditions, etc in order to provide compatibility with adjacent residential uses.

¶. u. An overall landscape plan is to be approved by the board of commissioners with emphasis on size of tract, buffers, surrounding uses, and passive recreational areas.

¶. v. Projects must incorporate applicable accessibility and "easy living" standards (as administered and copyrighted by a coalition of Georgia citizens including AARP of Georgia, Atlanta Regional Commission, Concrete Change, Georgia Department of Community Affairs, Governor's Council on Developmental Disabilities, Home Builders Association of Georgia, Shepherd Center and the Statewide Independent Living Council of Georgia) to include at least one full bath on the main floor, with ample maneuvering space; a bedroom on the main floor; ample interior door widths; and one stepless entrance at either the front, side or back of the home, or through the garage.

×. w. Projects must incorporate an area designated as common space or recreational space for the enjoyment of the residents.

‡. x. Impervious surface shall not exceed 55 percent of the total site area. Required buffers may be included within required setbacks; however, in such case that the required buffer is greater than the required setback, the required buffer shall be adhered to. Additionally, necessary private utilities and access drives may be allowed through, over or across a landscaped buffer. Any such uses which are proposed through, over or across a designated undisturbed buffer must be approved pursuant to an original site plan or site plan modification as set forth under section 134-126.

y. Projects proposing public infrastructure to be accepted by Cobb County for maintenance must be designed in accordance with all applicable standards and specifications, including but not limited to building setbacks.

(12) Accessory buildings, structures, uses and decks. Accessory buildings, structures, uses and decks shall be as described in section 134-203.  
(Ord. of 1-25-05; Ord. of 7-25-06)

Sec. 134-267. General development standards.

(a) Prerequisites for moving building. No dwelling unit or other permanent structure shall be moved within or into the county unless, when relocated, it meets all requirements of this chapter and requirements of this Code and is approved by the board of commissioners. See also section 134-276.

(b) Height of fences and walls. No fence or freestanding wall other than a retaining wall shall be more than eight feet in height, or be constructed in a public right-of-way or future street right-of-way as defined by the county major thoroughfare plan. If a fence is adjacent to a public road right-of-way and within the required setback in a residential district such fence shall not exceed six feet in height and shall further meet the requirements set forth in section 134-263. The required height limitation (which includes posts and ornaments on top of fence) must be met on both sides of fence, and measured from the existing grade upon which it is erected. No more than six inches of backfill shall be allowed on the existing grade against a fence. This six inches of backfill shall be included when determining the height of a fence. Fences and walls shall be maintained in a structurally sound condition The exposed portion of a retaining wall, as measured from the adjacent property owners side of the wall, can not exceed six feet in height when constructed within five feet of the property line. The height of a retaining wall can increase an additional five feet in height, as measured from the adjacent property owners side of the exposed wall, per each additional five feet that the retaining wall is off of the property line, provided that a landscape buffer is provided and approved by county staff. Interpolation of the five feet increments from the property line is not permissible. Tiered retaining walls must be at least five feet apart measuring from the top of the bottom wall to the bottom of the top wall.

(c) Open space. Open space area required to be established by this chapter shall be permanently maintained as open space and appropriately landscaped with trees, shrubs, flowers, grass, stones, rocks or other landscaping materials. Such areas may not be used for vehicular access, parking or similar uses except as otherwise permitted in this chapter.

(d) Required fences to be completed prior to occupancy. When this chapter requires a fence to be constructed, such fence shall be completed prior to occupancy of the primary use structure.

(e) Site plan preparation. Site plans and other development plans required to be submitted under the provisions of this chapter shall be prepared only by those currently registered for such work in accordance with applicable state law. No plans for structures shall be prepared by other than a currently state-registered engineer.

(f) Compliance with other regulations. Any development sought to be constructed or built under the existing zoning requirements shall meet or exceed all applicable development codes and regulations of the county, the state and federal law, as amended from time to time, including but not limited to chapter

110, pertaining to subdivisions, the soil erosion and sedimentation ordinance of the county, and article VI of this chapter, pertaining to signs.

(g) Footings survey.

(1) On any development, prior to obtaining a building permit, the developer or builder must file a copy of a current plat and survey of the property signed by a registered land surveyor providing such information as shall be required from the community development department.

(2) Prior to commencing pouring of footings, it shall be the responsibility of the builder or developer to accurately and clearly flag all pin corner boundaries prior to the conduct of any footings inspection. Should the developer or builder desire to place the footing within five feet of the applicable building setback line, then the builder or developer shall provide a footings (foundation) survey signed by a registered land surveyor showing the footing location and the outer perimeter of the proposed structure. The failure to provide such a footing survey shall be a primary consideration in whether or not the board of zoning appeals may dispose of a variance application.

(h) Compliance with Americans with Disabilities Act. Assurances of compliance with the Americans with Disabilities Act (ADA), including the ADA as it may be amended from time to time, will be given to the county by all development applicants.

(Ord. of 12-26-72; Ord. of 12-11-90, § 3-28-16.1; Ord. of 9-12-00; Ord. of 7-25-06)

Sec. 134-277. Junk, abandoned or inoperative vehicles.

(a) Any automobile, vehicle or trailer of any kind or type, without a valid license plate attached thereto, shall not be parked or allowed to stand on any residentially zoned property or other zoned property unless it shall be in a completely enclosed building or on property zoned HI heavy industrial, with a land use permit issued for the operation of an automobile wrecking business or junkyard.

(b) No automobile, vehicle or trailer of any kind or type, which shall be in an inoperative or junk condition, shall be parked or allowed to stand on any residentially zoned property or other zoned property unless it is:

(1) In an enclosed building;

(2) On the premises of a business enterprise operated in a lawful manner, when necessary to the operation of such business enterprise; or

(3) On property occupied and used for repair, reconditioning or remodeling of vehicles in conformance with this chapter.

(c) Nothing in this section shall authorize the maintenance of a public or private nuisance as defined under other provisions of law.

(d) For purposes of this section, vehicles in an inoperative or junk condition shall include but not be limited to any automobile, vehicle, trailer of any kind or

type, or contrivance or part thereof, the condition of which is one or more of the following:

- (1) Wrecked.
  - (2) Dismantled.
  - (3) Partially dismantled.
  - (4) Inoperative.
  - (5) Abandoned.
  - (6) Discarded.
  - (7) One which does not have a valid license plate attached thereto.
- (e) This section shall not be the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles or contrivances within the unincorporated limits of the county and shall be supplemental and in addition to the other regulations and regulatory codes, ordinances, statutes or provisions of law enacted by the county, the state or other legal entity or agency having jurisdiction.

(f) Any junk, abandoned or inoperative vehicle that remains on a property for longer than 30 days after due notice of violation has been provided per Sec. 2-102(2) of the Cobb County Code, may be removed by Cobb County or its duly authorized designee. Any expenses incurred in remedying the condition shall become payable within thirty (30) calendar days, after which a special assessment lien and charge shall be attached to the property, which shall be payable with interest at the rate of eight percent (8%) per annum from the date of such certification until paid.

Such lien shall be in favor of Cobb County, Georgia, and may be satisfied at any time by payment thereof including accrued interest. Notice of such lien shall be filed in the Office of the Clerk of the Superior Court and recorded among the public records of Cobb County, Georgia.

(Ord. of 12-26-72; Ord. of 11-8-77, § 13; Ord. of 12-11-90, § 3-28-17.3)